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**AUG 24 2006**

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Patent Number</b>	7076630	<b>Docket Number</b>	MIPS.0173-00-US
<b>Filed</b>	06/14/01	<b>Group Art Unit</b>	2188
<b>Examiner</b>	KEVIN L. ELLIS	<b>Customer No.</b>	23669
<b>Application Title</b>	METHOD AND APPARATUS FOR ALLOCATING AND DE-ALLOCATING CONSECUTIVE BLOCKS OF MEMORY IN BACKGROUND MEMORY MANAGEMENT		
<b>First Named Inventor</b>	ENRIQUE MUSOLL		

## PETITION UNDER 37 CFR 1.183

VIA FACSIMILE: 571-273-8300

Mail Stop PETITION  
 Commissioner for Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

In response to the denial of the request for issuance of a Certificate of Correction, Applicant petitions the Commissioner to waive the rules and issue a Certificate of Correction for the above-noted patent in view of the following extraordinary situation:

On 04/11/2006, Applicant submitted the attached Issue Fee Transmittal via facsimile. However, what was faxed to the U.S. Patent Office was not a paper copy, but rather a scanned electronic copy in PDF format. The scanned Issue Fee Transmittal form was edited using Adobe Acrobat 7.0 Standard to provide the required information on the form. That is, the names of the patent attorneys, the name of the Assignee, and the residence of the assignee, along with signatory and transmittal information were input on the issue fee transmittal PDF using editing/commenting tools within Acrobat.

Subsequent to submitting the Issue Fee Transmittal via facsimile, it was discovered that although the aforementioned edits were present in the original PDF document when viewed on a computer monitor, they were NOT transmitted via facsimile when the document was printed to a fax driver. Acrobat allows a document to be printed with or without markups, via operator selection, and it is unknown at this time whether the proper print configuration was inadvertently selected by the undersigned at the time of transmission or whether a bug exists in the Acrobat program that caused the default "Documents and Markups" selection to be ignored. Thus, when the Issue Fee Transmittal was printed to the fax driver, the added notations were not transmitted. Since the US Patent Office replied that the fax had been received, we were not made aware of this error until the patent itself issued, and a routine review found that Attorney and Assignee information fields were blank. We have contacted Adobe to better understand this software "issue" and have furthermore implemented procedural changes to provide verification of images which have been faxed to the PTO via the method described above.

In the interests of justice, Applicant earnestly requests that the Commissioner waive the rules and issue a Certificate of Correction to correctly identify the attorneys/agents, assignee, and location of the assignee per the attached request for Certificate of Correction. Applicant notes that should

08/25/2006 HVUONG1 00000105 09881934

01 FC:1462 400.00 OP

PAGE 3/3 \* RCVD AT 8/24/2006 7:08:34 PM [Eastern Daylight Time] \* SVR:USPTO-EPXRF-5/15 \* DICS:2738300 \* CSID:661-460-1986 \* DURATION (mm-ss):04-34

Adjustment date: 02/09/2007 CKHLOK  
 08/25/2006 HVUONG1 00000105 09881934  
 01 FC:1462 -400.00 OP

02/03/2007 CKHLOK 00000006 09881934  
 01 FC:1999 130.00 OP

Refund Ref:  
 02/09/2007 0030037820

Credit Card Refund Total: \$270.00

Discover: XXXXXXXXXXXX8757

Application No. 09/881934 (Docket: MIPS.0173-00-US)  
Petition under 37 CFR 1.183 dated 08/24/2006  
Reply to denial of Request for Certificate of Correction dated 08/17/2006

the Commissioner deny the request to issue the Certificate of Correction, third parties will not be made aware of the proper ownership of this patent, as is recorded at Reel/Frame 013653/0650.

Included herewith is a credit card payment form authorizing a charge of \$400 for the corresponding petition fee.

Respectfully submitted,  
**HUFFMAN PATENT GROUP, LLC**

*/ Richard K. Huffman /*

By \_\_\_\_\_

**RICHARD K. HUFFMAN**  
Registration No. 41,082  
(719) 575-9998

*08/24/2006*

Date: \_\_\_\_\_

Attachments: Issue Fee Transmittal  
Certificate of Correction  
Communication denying request for certificate of correction

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND										
1 Date of Request: <u>02/05/07</u>		2 Serial/Patent # <u>09881,934</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT						
	Filing			\$						
	Amendment			\$						
	Extension of Time			\$						
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X	Petition		08/24/06	\$ 270.00						
	Issue			\$						
	Cert of Correction/Terminal Disc.			\$						
	Maintenance			\$						
	Assignment			\$						
	Other			\$						
<div style="border: 1px solid black; padding: 2px;"> <i>2/9/07 CKHCK 09/881934</i>  <i>FC: 1999 \$130 and</i>  <i>Refund \$270 (WR)</i> </div>		7 TOTAL AMOUNT OF REFUND		\$ 270.00						
10 REASON:		8 TO BE REFUNDED BY:								
		X	Treasury Check							
X	Overpayment		Credit Deposit A/C #:							
	Duplicate Payment		9 <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>							
	No Fee Due (Explanation):									
Petition fee = \$130, not \$400.										
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>Cliff Congo</u>		TITLE: <u>Attorney</u>								
SIGNATURE: <u><i>Cliff Congo</i></u>		PHONE: <u>571-272-3207</u>								
OFFICE: <u>Petitions</u>										
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****										
APPROVED: <u><i>CKHCK</i></u>		DATE: <u>2/9/07</u>								

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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*2/9/07 CKHCK*  
*FC: 1462 \$ -400.00*